

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)	
COMPANY FOR A CERTIFICATE OF)	
CONVENIENCE AND NECESSITY TO)	CASE NO. 92-005
CONSTRUCT A SCRUBBER ON UNIT NO. 1)	
OF ITS GHENT GENERATING STATION)	

O R D E R

This matter arising upon motion of Kentucky Utilities Company ("KU") filed July 21, 1992 to remove information filed on April 27, 1992 from the record in this case and substitute the information attached to the motion on the grounds that the substituted information fully satisfies the requirements of the Commission, and appearing to this Commission as follows:

On April 27, 1992, KU filed a petition for confidential protection of certain information filed in response to data requests by the Commission Staff, the Attorney General, and the Kentucky Industrial Utility Customers. On July 2, 1992, the Commission determined that the information did not qualify for any of the exemptions provided in KRS 61.878(1)(a), from the requirements of the Kentucky Open Records Act, and was not entitled to protection. By this motion, KU seeks to remove the information for which protection was denied and substitute in its place the information attached to the motion. KU claims the substitute information fully satisfies the data requests without revealing the information originally sought to be protected.

KU cites as support for its position 807 KAR 5:001, Section 7(c). This appears to be a reference to a provision that appeared in the Commission's regulations relating to confidentiality that allowed a petitioner to remove information from Commission files if confidential protection of that information was denied. A recent amendment to the regulation deleted that provision and that right no longer exists.

Furthermore, in this proceeding, KU sought and received a Certificate of Public Convenience and Necessity to construct a scrubber at its Ghent generating station. The information sought to be removed is a part of the record upon which the Commission based its decision. While the information was not a major factor in the decision, its removal would make the record supporting the decision incomplete. For these reasons, the motion should be denied.

This Commission being otherwise sufficiently advised,

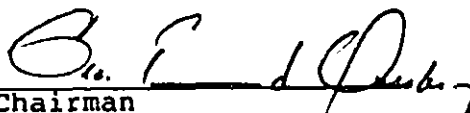
IT IS ORDERED that:

1. The motion by KU to remove its responses to the data requests filed on April 27, 1992 from the public record and substitute the information attached to the motion be and is hereby denied.

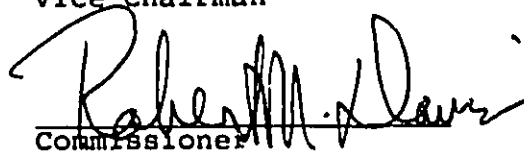
2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 21st day of August, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director